

Handwritten: \$7
Letter
Stimmon

5 Application No. : 10/025,319
 Applicant : NAGASHIMA, Kouzo
 Filed : December 19, 2001
 Art Unit : 3713
 Examiner : ENATSKY, Aaron L

Confirmation No. 8141

10 Docket No. : SHO 1007-01US
 Customer No. : 28327
 Date: : November 1, 2003

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CENTRAL FAX CENTER**

NOV 03 2003

15 Honorable Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REQUEST FOR CONSIDERATION OF APPARENTLY-MISSING AMENDMENT
AND ALLEGEDLY NON-COMPLIANT SUPPLEMENTAL AMENDMENT

20 Dear Sir:

Applicant's attorney has identified what appears to be a clerical error in the U.S. Patent Office. To correct this problem with minimum delay and cost, Applicant's attorney submits the following request, which includes copies of the filed documents in question.

25

DOCUMENTS PREVIOUSLY SENT:

30 In response to the Office Action mailed May 23, 2003, Applicant's attorney filed a first Amendment by mail on September 23, 2003, along with a check for a one month extension of time and a certified copy of a priority document. The first Amendment was fully responsive to the Office Action. The postcard sent with the first Amendment has not yet been returned to Applicant's attorney. Furthermore, Applicant's attorney has been informed, by the art unit receptionist, that the first Amendment has not yet been entered in the file wrapper as of October 31, 2003. Nevertheless, according to Wells Fargo bank, on 35 October 6, 2003, the check (numbered 3186, for \$110), which was enclosed with the first Amendment, was cashed. Enclosed as Attachment (1) to this document is a copy of the filed first Amendment. This copy includes a copy of the postcard and check, as mailed by Applicant's attorney, along with a copy of the Amendment, but it only includes a copy of the first page of the mailed priority document. A copy of the cashed check can be obtained 40 by Applicant's attorney if it is required by the Patent Office for fulfilling the request recited below.

Appl. No. 10/025,319
Request for Consideration, dated November 1, 2003

A second, Supplemental Amendment was filed by facsimile on September 24, 2003. The second, Supplemental Amendment addressed a minor typographical error that was first noted after the first Amendment had been mailed. Enclosed as Attachment (2) to this document is a copy of the filed second, Supplemental Amendment. Enclosed as
5 Attachment (3) to this document is a copy of an Auto-Reply Facsimile Transmission received from the Patent Office in response to the filing of the second, Supplemental Amendment.

Being sent by facsimile, the second, Supplemental Amendment was received by the
10 Patent Office prior to the first Amendment, and it was accordingly rejected as being non-compliant with 37 C.F.R. § 1.121, because it referred to claim amendments made in the not-yet-entered first Amendment. Enclosed as Attachment (4) to this document is a copy of the Notice of Non-Compliant Amendment sent in response to the second, Supplemental Amendment.

15
PROBLEM:

Because the enclosed check was cashed, it appears that the first Amendment was received by the Patent Office. Nevertheless, per a telephone call to the art unit receptionist
20 on October 31, 2003, as of almost six weeks after it was mailed, the first Amendment has not been entered in the file. Additionally, the second, Supplemental Amendment, which was filed after the first Amendment, has not been entered (and cannot be entered) because the first Amendment has not yet been entered.

25
REQUEST

The first Amendment was properly filed (by U.S. mail) on September 23, 2003. In light of the first Amendment, the second, Supplemental Amendment was properly filed (by facsimile) on September 24, 2003, and was fully compliant with 37 C.F.R. § 1.121.

Appl. No. 10/025,319
Request for Consideration, dated November 1, 2003

Applicant requests that the first Amendment, and the second, Supplemental Amendment, be entered, and accorded the filing dates of September 23, 2003, and September 24, 2003, respectively.

Applicant further requests that Applicant be given credit for the \$110 check that was cashed by the Patent Office on October 6, 2003, which should cover all necessary extension fees. Applicant notes that the prior filings include a general deposit account authorization, and that any questions regarding fees should not preclude the entry of the amendments.

Respectfully submitted,

NAGASHIMA, Kouzo

By: 

John A. Griecci

Registration No. 39,694

For: The Law Office of John A. Griecci

703 Pier Avenue, Suite B #657
Hermosa Beach, CA 90254
(310) 376-6527

Attachment 1

PTO/SB/21 (08-03)

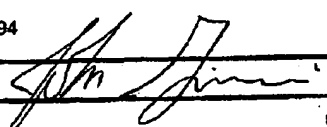
Approved for use through 08/30/2003. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
This collection of information unless it displays a valid OMB control number.

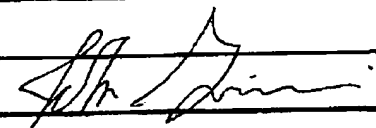
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/025,319
	Filing Date	December 19, 2001
	First Named Inventor	NAGASHIMA, Kouzo
	Art Unit	3713
	Examiner Name	ENATSKY, Aaron L
Total Number of Pages in This Submission	Attorney Docket Number	SHO 1007-01US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John Griecci, Reg. No. 39,694
Signature	
Date	September 23, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	John Griecci		
Signature		Date	September 23, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. . Box 1450, Alexandria, VA 22313-1450.

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Att. 1

COPY

Please date stamp and acknowledge receipt of the accompanying:

- X Transmittal Form
- X Fee Transmittal (in duplicate)
 - with check # 3186 for \$ 110.00
- X Request for Extension of Time: 1 Month
- X Amendment
- X Certified Copy of Priority Document

Date Mailed: September 23, 2003

Serial No.: 10/025,319 Filing Date: December 19, 2001
Title: Server Providing Competitive Game Service, Program Storage
Medium for Use in the Server, and Method of Providing
Competitive Game Service Using the Server
First Applicant's Name: NAGASHIMA, Kouzo
Examiner: ENATSKY, Aaron L. Group Art Unit: 3713
Attorney Docket No.: SHO 1007-01US

GriecciDate Due: August 23, 2003

Att. 1

COPY

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PTO/SB/17 (01-03)
 Approved for use through 04/30/2003. OMB 0651-0032
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete If Known

Application Number	10/025,319
Filing Date	December 19, 2001
First Named Inventor	NAGASHIMA, Kouzo
Examiner Name	ENATSKY, Aaron L
Art Unit	3713
Attorney Docket No.	SHO 1007-01US

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

501809

Deposit Account Name

Law Office of John A. Griecci

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	110.00
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 65	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 760	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

SUBMITTED BY

Name (Print/Type)	John A. Griecci	Registration No. (Attorney/Agent)	39,694	Telephone	(310) 376-6527
Signature	<i>John A. Griecci</i>	Date	September 23, 2003		

WARNINGS: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

A++ 1

PTO/SB/17 (01-03)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete If Known

Application Number 10/025,319
Filing Date December 19, 2001
First Named Inventor NAGASHIMA, Kouzo
Examiner Name ENATSKY, Aaron L
Art Unit 3713
Attorney Docket No. SHO 1007-01US

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

501809

Law Office of John A. Grieci

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
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1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
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1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
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1810 750	2810 375	For each additional invention to be examined (37 CFR 1.128(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 450	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

SUBMITTED BY

Name (Print/Type) John A. Grieci Registration No. 39,694 Telephone (310) 376-6527
Signature Date September 23, 2003

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PTO/SB/22 (08-03)

Approved for use through 7/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)

SHO 1007-01US

COPY

In re Application of

NAGASHIMA, Kouzo

Application Number

10/025,319

Filed

December 19, 2001

For

Server Providing Competitive Game Service, Program Storage Medium for Use in the Server, and Method of Providing Competitive Game Service Using the Server

Art Unit

3713

Examiner

ENATSKY, Aaron L

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☒ One month (37 CFR 1.17(a)(1)) \$ 110.00
- ☐ Two months (37 CFR 1.17(a)(2)) \$ 410.00
- ☐ Three months (37 CFR 1.17(a)(3)) \$ 930.00
- ☐ Four months (37 CFR 1.17(a)(4)) \$ 1,450.00
- ☐ Five months (37 CFR 1.17(a)(5)) \$ 1,970.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1809.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 39,694

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) 39,694

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 23, 2003

Date

(310) 376-6527

Telephone Number

Signature

John Grieci, Reg. No. 39,694

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appl. No. 10/025,319
Amendment, dated September 23, 2003
Reply to: Office Action Dated May 23, 2003

Att. 1

5 Application No. : 10/025,319
 Applicant : NAGASHIMA, Kouzo
 Filed : December 19, 2001
 Art Unit : 3713
 Examiner : ENATSKY, Aaron L

Confirmation No. 8141

10 Docket No. : SHO 1007-01US
 Customer No. : 28327
 Date: : September 23, 2003

COPY

15 Honorable Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT

Sir:

20 In response to the Office Action of May 23, 2003, please amend the above-identified
application as follows:

25 **Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of
this paper.

Remarks begin on page 6 of this paper.

Appl. No. 10/025,319
Amendment, dated September 23, 2003
Reply to: Office Action Dated May 23, 2003

Att. 1

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

5

Listing of Claims:

COPY

1. (canceled)

10

2. (currently amended) The server providing the competitive game according to claim 1, wherein:

15

~~the notification means selects a number of game players lacking for the competitive game from plural virtual game players previously entered on the virtual game player list~~
means of notifying is configured to select the one or more virtual game players from the virtual game player list, and sends, as a competitor's name, the virtual game players' names of the selected game players to the game players' terminals to send the selected virtual game players' names to the actual game players; and

20

the selected number of virtual game players equals a number of actual game players lacking from the competitive game.

3. (canceled)

25

4. (currently amended) The program storage medium according to claim 3, wherein:

30

~~the notification program selects a number of game players lacking for the competitive game from plural virtual game players previously entered on the virtual game player list~~
is configured to select the one or more virtual game players from the virtual game player list, and sends, as a competitor's name, the virtual game players' names of the selected game players to the game players' terminals to send the selected virtual game players' names to the actual game players; and

the selected number of virtual game players equals a number of actual game players lacking from the competitive game.

Appl. No. 10/025,319

Amendment, dated September 23, 2003

Reply to: Office Action Dated May 22, 2003

COPY

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5. (canceled)

6. (currently amended) The method of ~~providing the competitive game service according to claim 5 claim 9~~, wherein the notification step ~~including the step of~~ includes:

5 ~~selecting a number of the one or more virtual game players lacking for the competitive game from plural virtual game players previously entered on from~~ the virtual game player list, wherein the selected number of virtual game players equals a number of actual game players lacking from the competitive game; and

10 ~~sending, as a competitor's name, the~~ selected virtual game players' names to the actual game players of the selected game players to the game players' terminals.

7. (new) A server, operating with a competitive game program and a virtual game player list, and being configured for use on a network supporting a competitive game service for a number of actual game players to competitively play with one another, comprising:

15 a means for activating, configured such that when an actual game player receives the competitive game service, and the number of actual game players available to competitively play is below a predetermined number, the competitive game program is activated to operate as one or more virtual game players selected from the virtual game player list, 20 wherein the virtual game players competitively play with the actual game players on the competitive game service; and

25 a means for notifying the actual game players of the availability of the selected virtual game players to competitively play, the means for notifying being configured such that the virtual game players appear to the actual game players as actual game players.

Appl. No. 10/025,219
Amendment, dated September 23, 2003
Reply to: Office Action Dated May 23, 2003

COPY

A++ 1

8. (new) A program storage medium for use in a server, the server operating with a competitive game program and a virtual game player list, and the server being configured for use on a network supporting a competitive game service for a number of actual game players to competitively play with one another, comprising:

5 an activation program configured such that when an actual game player receives the competitive game service, and the number of actual game players available to competitively play is below a predetermined number, the competitive game program is activated to operate as one or more virtual game players selected from the virtual game player list, wherein the virtual game players competitively play with the actual game players on the competitive game service; and

10 a notification program configured to notify the actual game players of the availability of the selected virtual game players to competitively play, the notification program being configured such that the virtual game players appear to the actual game players as actual game players.

15 9. (new) A method for providing one or more virtual game players on a network supporting a competitive game service for a number of actual game players to competitively play with one another, comprising:

20 activating a competitive game program to operate as one or more virtual game players selected from a virtual game player list, the step of activating being conditioned on the event that an actual game player receives the competitive game service, and the number of actual game players available to competitively play is below a predetermined number, wherein the virtual game players competitively play with the actual game players on the competitive game service; and

25 notifying the actual game players of the availability of the selected virtual game players to competitively play, wherein the virtual game players appear to the actual game players as actual game players.

30 10. (new) The server of claim 7, wherein the competitive game program is configured to support playing, as a two-player competitive game, one or more games selected from the group of: mah-jongg, shogi, igo, chess and othello.

Appl. No. 10/029,219
Amendment, dated September 23, 2003
Reply to: Office Action dated May 23, 2003

COPY

Att. 1

11. (new) The server of claim 7, wherein the competitive game program is configured to support playing a tournament composed of a plurality of the same kinds of games.

5 12. (new) The server of claim 7, wherein the means for notifying is configured to select a virtual game player of a player class similar to that of an actual game player to be notified.

10 13. (new) The server of claim 7, wherein the means for activating is configured such that actual game players may review their games after such games are completed.

14. (new) The server of claim 7, wherein that the game players may review their games after such games are completed.

15 15. (new) The server of claim 7, wherein the means for activating is configured to provide game players with a training program to develop their playing skills.

Appl. No. 10/025,319
Amendment, dated September 23, 2003
Reply to: Office Action Dated May 23, 2003

Att. 1

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Remarks:

5 This application has been reviewed carefully in view of the Office Action mailed May 23, 2003 ("the Office Action"). In the Office Action, Claims 1, 3 and 5 were objected to as containing certain informalities. Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Finally, claims 1-6 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Miura, U.S. Patent No. 6,322,451.

10

Claims 1, 3 and 5 have been deleted, and new claims 7, 8 and 9, respectively, have been added to replace them. For the sake of efficiency, the rejections of claims 1, 3 and 5 will be addressed accordingly. Claims 10-15 have been added to the application.

15

The above-described objections and rejections are addressed as follows:

A) CLAIM OBJECTIONS AND REJECTIONS UNDER 35 U.S.C. § 112

20

Applicant appreciates the Examiner's efforts to improve the claims. Claims 1, 3 and 5 have now been canceled and replaced with claims 7, 8 and 9, respectively. Likewise, claims 2, 4 and 6 have been amended. These six claims have been amended to address and overcome the claim objections and the rejections under 35 U.S.C. § 112, as described above. More particularly, the term competitors has been removed and the relationship between player terms has been clarified. Applicant respectfully requests that the Examiner now withdraw the objections and the rejections under 35 U.S.C. § 112.

25

Appl. No. 10/025,319
Amendment, dated September 23, 2003
Reply to: Office Action Dated May 23, 2003

Att. 1

B) THE CITED ART FAILS TO DISCLOSE THE CLAIMED ELEMENTS

1. The Cited Art Must Teach or Suggest All the Claim Limitations to Establish a *Prima Facie* Case of Obviousness

As noted above, to establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all the claim limitations. *See*, M.P.E.P. § 706.02(j).

2. The Cited Art Fails to Teach or Suggest All the Claim Limitations

Claims 1-6 were rejected under 35 U.S.C. 103(a), as being unpatentable over Miura. Miura pertains to a game machine that enables a player to select another player for playing a game together. Miura provides that if a player selects none of the other players, the player will fight against the computer. *See*, column 6, lines 44-47. Inherent in this process is the player's knowledgeably choosing between playing with another actual player, or just fighting with the computer. The player is thus fully aware of whether his opponent is an actual player or the computer.

Independent claim 7 recites "a means for notifying the actual game players of the availability of the selected virtual game players to competitively play, the means for notifying being configured such that the virtual game players appear to the actual game players as actual game players." Independent claims 8 and 9 likewise recite similar features. Thus, under the present invention, an actual game player can select to competitively play with a virtual game player, without the virtual game player being identified as other than another actual player.

Miura fails to teach or suggest a means for notifying, as recited above. The present invention overcomes limitations of the embodiments described in the cited art.

Appl. No. 10/075,319
Amendment, dated September 23, 2003
Reply to: Office Action Dated May 23, 2003

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Att. 1

3. The Office Action Fails to Establish a Prima Facie Case of Obviousness

Because the cited art fails to teach or suggest a means for notifying, as recited above and in independent claims 7, 8 and 9, a *prima facie* case of obviousness is not established. Dependent claims 2, 4, 6 and 10-15 incorporate the limitations of independent claims 7, 8 or 9. Accordingly, the rejection of claims 1-6 under 37 U.S.C. § 103(a) is improper, and Applicants respectfully request claims 2, 4 and 6-15 be allowed.

10 C) CONCLUSION

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

15 Respectfully submitted,

NAGASHIMA, Kouzo

20

By: 

John A. Griecci

Registration No. 39,694

For: The Law Office of John A. Griecci

25

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Hermosa Beach, CA 90254
(310) 376-6527

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出願年月日

Date of Application:

2000年12月20日

出願番号

Application Number:

特願2000-387938

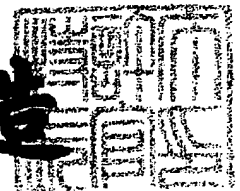
出願人
Applicant(s):

アルゼ株式会社

2001年12月14日

特許庁長官
Commissioner,
Japan Patent Office

及川耕造



THE LAW OFFICE OF JOHN A. GRIECCI

703 PIER AVENUE, SUITE B #657
HERMOSA BEACH, CALIFORNIA 90244
Telephone (310) 376-6527
Facsimile (310) 376-6529

Attachment 2**FACSIMILE COVER LETTER**

**** This Facsimile Transmission Will Not Be Mailed Unless Otherwise Indicated**

DATE: September 24, 2003

TO: TC 3700, Before Final

FAX NO: 703-872-9302

FROM: John "Jak" Griecci, Esquire

IF ALL PAGES NOT RECEIVED, PLEASE CALL (310) 376-6527

Application Serial No. : 10/025,319
Filed : December 19, 2001
Examiner : ENATSKY, Aaron L
Group Art Unit : 3713
Confirmation No. : 8141

Transmitted herewith is/are the following papers in the above-identified application:

Supplemental Amendment

Certificate of Transmission Under 37 C.F.R. 1.8

I hereby certify that the above-listed papers are being transmitted to the Patent and Trademark Office at the above-recited facsimile number, on September 24, 2003, having 7 pages (including this page).

John Griecci

Date: September 24, 2003

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Appl. No. 10/025,319
Supplemental Amendment dated September 24, 2003
Supplementing the Amendment dated September 23, 2003

Att. 2

5 Application No. : 10/025,319
Applicant : NAGASHIMA, Kouzo
Filed : December 19, 2001
10 Art Unit : 3713
Examiner : ENATSKY, Aaron L

Docket No. : SHO 1007-01US
Customer No. : 28327
10 Date: : September 24, 2003

Confirmation No. 8141

15 Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT

Sir:

20 In supplement of the Amendment filed by US Mail on September 23, 2003, please
amend the above-identified application as follows:

25 Amendments to the Claims are reflected in the listing of claims that begins on page 2 of
this paper.

Remarks begin on page 6 of this paper.

Appl. No. 10/025,319
Supplemental Amendment, dated September 24, 2003
Supplementing the Amendment dated September 23, 2003

Att. 2

Amendments to the Claims:

This listing of claims will replace all prior versions , and listings, of claims in the application.

5

Listing of Claims:

1. (canceled)

10

2. (currently amended) The server according to claim 7, wherein:

the means of notifying is configured to select the one or more virtual game players from the virtual game player list, and to send the selected virtual game players' names to the actual game players; and

15

the selected number of virtual game players equals a number of actual game players lacking from the competitive game.

3. (canceled)

20

4. (previously presented) The program storage medium according to claim 8, wherein:

the notification program is configured to select the one or more virtual game players from the virtual game player list, and to send the selected virtual game players' names to the actual game players; and

25

the selected number of virtual game players equals a number of actual game players lacking from the competitive game.

5. (canceled)

Appl. No. 10/025,319
Supplemental Amendment, dated September 24, 2003
Supplementing the Amendment dated September 23, 2003

Att. 2

6. (previously presented) The method of claim 9, wherein the notification step includes:

selecting the one or more virtual game players from the virtual game player list, wherein the selected number of virtual game players equals a number of actual game
5 players lacking from the competitive game; and

sending the selected virtual game players' names to the actual game players.

7. (previously presented) A server, operating with a competitive game program and a virtual game player list, and being configured for use on a network supporting a
10 competitive game service for a number of actual game players to competitively play with one another, comprising:

a means for activating, configured such that when an actual game player receives the competitive game service, and the number of actual game players available to competitively play is below a predetermined number, the competitive game program is
15 activated to operate as one or more virtual game players selected from the virtual game player list, wherein the virtual game players competitively play with the actual game players on the competitive game service; and

a means for notifying the actual game players of the availability of the selected virtual game players to competitively play, the means for notifying being configured such
20 that the virtual game players appear to the actual game players as actual game players.

Appl. No. 10/025,319
Supplemental Amendment dated September 24, 2003
Supplementing the Amendment dated September 23, 2003

Att. 2

8. (previously presented) A program storage medium for use in a server, the server operating with a competitive game program and a virtual game player list, and the server being configured for use on a network supporting a competitive game service for a number of actual game players to competitively play with one another, comprising:

5 an activation program configured such that when an actual game player receives the competitive game service, and the number of actual game players available to competitively play is below a predetermined number, the competitive game program is activated to operate as one or more virtual game players selected from the virtual game player list, wherein the virtual game players competitively play with the actual game
10 players on the competitive game service; and

a notification program configured to notify the actual game players of the availability of the selected virtual game players to competitively play, the notification program being configured such that the virtual game players appear to the actual game players as actual game players.

15 9. (previously presented) A method for providing one or more virtual game players on a network supporting a competitive game service for a number of actual game players to competitively play with one another, comprising:

20 activating a competitive game program to operate as one or more virtual game players selected from a virtual game player list, the step of activating being conditioned on the event that an actual game player receives the competitive game service, and the number of actual game players available to competitively play is below a predetermined number, wherein the virtual game players competitively play with the actual game players on the competitive game service; and

25 notifying the actual game players of the availability of the selected virtual game players to competitively play, wherein the virtual game players appear to the actual game players as actual game players.

30 10. (previously presented) The server of claim 7, wherein the competitive game program is configured to support playing, as a two-player competitive game, one or more games selected from the group of: mah-jongg, shogi, igo, chess and othelo.

COPY
Appl. No. 10/025,119
Supplemental Amendment dated September 24, 2003
Supplementing the Amendment dated September 23, 2003

Att. 2

11. (previously presented) The server of claim 7, wherein the competitive game program is configured to support playing a tournament composed of a plurality of the same kinds of games.

5 12. (previously presented) The server of claim 7, wherein the means for notifying is configured to select a virtual game player of a player class similar to that of an actual game player to be notified.

10 13. (previously presented) The server of claim 7, wherein the means for activating is configured such that actual game players may review their games after such games are completed.

15 14. (previously presented) The server of claim 7, wherein that the game players may review their games after such games are completed.

 15. (previously presented) The server of claim 7, wherein the means for activating is configured to provide game players with a training program to develop their playing skills.

Appl. No. 10785,219
Supplemental Amendment, dated September 24, 2003
Supplementing the Amendment dated September 23, 2003

Att. 2

Remarks:

The Amendment filed September 23, 2003 is fully responsive to the Office Action dated May 23, 2003. The present amendment to claim 2 corrects a minor typographical error in the Amendment filed September 23, 2003, and does not relate to patentability. In light of the present Amendment and the Amendment filed September 23, 2003, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

NAGASHIMA, Kouzo

By: 

John A. Grieco

Registration No. 39,694

For: The Law Office of John A. Grieco

703 Pier Avenue, Suite B #657
Hermosa Beach, CA 90254
(310) 376-6527

USPTO 9/24/03 1:48 PAGE 1/1 RightFAX
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FACSIMILE COVER LETTER

**** This Facsimile Transmission Will Not Be Mailed Unless Otherwise Indicated ****

DATE: September 24, 2003

TO: TC 3700, Before Final FAX NO: 703-872-9302

FROM: John "Jal" Grieco, Esquire

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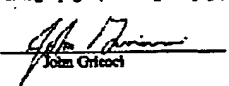
Application Serial No. : 10025319
 Filed : December 19, 2001
 Examiner : HNATKY, Aaron L.
 Group Art Unit : 3713
 Confirmation No. : 8141

Transmitted herewith is/are the following paper(s) in the above-identified application:

Supplemental Amendment

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,319	12/19/2001	Kouzo Nagashima	SHO 1007-01US	8141
28327	7590	10/08/2003	EXAMINER	
THE LAW OFFICE OF JOHN A. GRIECCI 703 PIER AVE., SUITE B #657 HERMOSA BEACH, CA 90254			ENATSKY, AARON L	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 10/08/2003

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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20503
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9/24/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: There Are No previous Amendments in this file at this time.
claim 7-15 have NOT been previously presented

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pat/denovo/pep/noticeofnoncompliance.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Rosalind V. Smith / 703.364-5809
July 22, 2003 (rev.)

THE LAW OFFICE OF JOHN A. GRIECCI

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DATE: November 1, 2003

TO: TC 3700, Before Final FAX NO: 703-872-9302

FROM: John "Jak" Griecci, Esquire

IF ALL PAGES NOT RECEIVED, PLEASE CALL (310) 376-6527

Application Serial No. : 10/025,319
Filed : December 19, 2001
Examiner : ENATSKY, Aaron L
Group Art Unit : 3713
Confirmation No. : 8141

Transmitted herewith is/are the following papers in the above-identified application:

REQUEST FOR CONSIDERATION OF APPARENTLY-MISSING AMENDMENT AND
ALLEGEDLY NON-COMPLIANT SUPPLEMENTAL AMENDMENT

Certificate of Transmission Under 37 C.F.R. 1.8

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John Griecci

Date: November 1, 2003

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